IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

OP.No. 7776 of 2003(A)

PETITIONER:

T.D.SHAJIMON, S/O. T.A. DARMAPALAN,
THIYADI HOUSE, EAST CHETTUVA, KUNDALIYOR,
THRISSUR DISTRICT.

BY ADV. SRI.MATHEW ZACHARIAH
SRI.KOSHY GEORGE

RESPONDENTS:
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1. **THE WELFARE FUND INSPECTOR, KERALA**
   ABKARI WORKERS WELFARE FUND BOARD, THRISSUR.

2. **CHIEF WELFARE FUND INSPECTOR, KERALA**
   ABKARI WORKERS WELFARE FUND BOARD,
   THIRUVANANTHAPURAM.

3. **P.S.SURESH, S/O. P.M.SIDHARTHAN,**
   PANANGAYIL HOUSE, ALA, P.O., KOTHAPARAMBU,
   KODUNGALLOOR, THRISSUR DISTRICT.

4. **THE KERALA STATE CO-OP. CONSUMER**
   FEDERATION LTD, GANDHI NAGAR, KOCHI-20,
   REPRESENTED BY ITS MANAGING DIRECTOR.

5. **C.G.DASAN, FLI-SHOP NO. 159, KUNNAMKULAM.**

BY ADV. SRI.K.A.ABRAHAM.
SRI.K.A.ABRAHAM, SC.KAWWF BOARD
SRI.T.R.RAMACHANDRAN NAIR
SRI.RENJITH THAMPAN
SRI.T.K.SAJEEV

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

O.P.No.7776 of 2003

Dated this the 14th day of February, 2007

JUDGMENT

The writ petition is filed with the following prayers:-

> i) call for the records leading to Ext.P4 and to quash the same by issuing a writ in the nature of certiorari;
>
> ii) to issue a writ in the nature of mandamus directing the 4th respondent Consumerfed to reinstate the petitioner as an abkari worker in the shop No.FL1-159 of Kunnamkulam Range.

Petitioner's application for membership in the Welfare Fund was rejected as per Ext.P4. Petitioner submits that the impugned Ext.P4 order is passed without referring to the materials made available by the petitioner before the first respondent. Reference is invited to Ext.P1 series of statements. It is further submitted that given a fresh opportunity before the first respondent and also an opportunity to peruse the records maintained with the first respondent, he will be in a position to convince the first respondent that he was entitled to membership. There is no counter affidavit by the first respondent.

2. I quash Ext.P1. There will be a direction to the first

respondent to consider the application of the petitioner afresh with notice to the petitioner and respondents 3 to 5. Petitioner shall be permitted to peruse the reports, if any, relied on by the first respondent in the process. The needful shall be done within a period of four months from the date of production of a copy of this judgment.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.NO.7776/2003

JUDGMENT

14th February, 2007